

1/17/08 DAC



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **ENDO, Tamio, et al.**

Group Art Unit: **1746**

Serial No.: **10/510,244**

Examiner: **Not Yet Assigned**

Filed: **October 15, 2004**

P.T.O. Confirmation No.: **2227**

For. **RESIST FILM REMOVING APPARATUS, RESIST FILM REMOVING METHOD,
ORGANIC MATTER REMOVING APPARATUS AND ORGANIC MATTER
REMOVING METHOD**

RENEWED PETITION UNDER 37 CFR 1.181

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: July 16, 2008

Sir:

In response to the Decision on Petition dated May 16, 2008, a copy of which is attached, applicants respectfully request the Commissioner to withdraw the Notice Of Abandonment and revive the above-identified application. It is submitted that the abandonment was unavoidable.

In the above-noted Decision, it was indicated that applicants must provide a full office docket record for all responses due in the USPTO on 31 October 2006, the date on which a response to the petition decision was due. Attached hereto is such a full office record for the responses due on that date labeled as Exhibit A. To the best of the knowledge of the undersigned, this record is accurate and complete.

In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP



Donald W. Hanson
Attorney for Applicants
Reg. No. 27,133

Atty. Docket No. 040473
Suite 400, 1420 K Street, N.W.
Washington, D.C. 20005
(202) 659-2930
DWH/rab



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PATENT TRADEMARK OFFICE



UNITED STATES PATENT AND TRADEMARK OFFICE

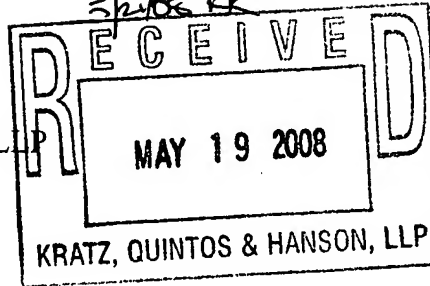
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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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KRATZ, QUINTOS & HANSON, LLP
1420 K Street, N.W.
Suite 400
WASHINGTON DC 20005



2 mos response
Due: JULY 16, 2008
REQUEST FOR RECONSIDERATION

In re Application of:
ENDO, Tamia, et al.
U.S. Application No.: 10/510,244
PCT No.: PCT/JP03/04750
International Filing Date: 15 April 2003
Priority Date: 16 April 2002
Atty Docket No.: 040473
For: RESIST FILM REMOVING
APPARATUS ... AND METHOD OF
REMOVING ORGANIC MATTER

DECISION ON PETITION TO
WITHDRAW HOLDING OF
ABANDONMENT
(37 CFR 1.181)

This decision is issued in response to the "Request For Withdrawal Of Holding Of Abandonment" filed 03 April 2008, treated herein under 37 CFR 1.181. No petition fee is required.

BACKGROUND

The procedural background for this application was set forth in the previous decisions mailed herein on 27 January 2006 and 31 August 2006. These decisions dismissed without prejudice applicants' petition under 37 CFR 1.47(a) requesting acceptance of the declaration without the signature of all the applicants. The decision mailed 31 August 2006 provided applicants with an extendable two-month response deadline, and it indicated that the failure to file a timely and proper response would result in abandonment of the application.

Applicants did not file a response to the 31 August 2006 decision during the extendable time period. Accordingly, this application became abandoned at midnight on 31 October 2006.

On 07 February 2008, the USPTO mailed a "Notice of Abandonment" confirming the abandonment of the application.

On 03 April 2008, applicants filed the "Request For Withdrawal Of Holding Of Abandonment" considered herein. The submission asserts that the holding of abandonment should be withdrawn because applicants did not receive the petition decision upon which the abandonment is based.

DOCKETED

DATE

7/20/08

DISCUSSION

Section 711.03(c)II of the MPEP sets forth the requirements for a grantable petition to demonstrate the failure to receive an Office communication:

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact the a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action.

The present submission includes the required statement from the practitioner that the file jacket and docket records of the firm have been searched, and that this search indicates that the petition decision mailed 31 August 2006 was not received.

With respect to the docket records requirement, applicants have provided a copy of counsel's incoming mail log from 31 August 2006 to September 30 2006. However, a mail log of incoming USPTO communications is not sufficient to satisfy the docket records requirement. Rather, as discussed in the MPEP, applicants must provide the full office docket record for all responses due in the USPTO on 31 October 2006, the date on which a response to the petition decision was due.

Based on the above, applicants have not satisfied the requirements for a petition to confirm the failure to receive an Office communication. Accordingly, at the present time it cannot be concluded that the petition decision mailed 31 August 2006 was not received by applicants. Withdrawal of the abandonment is therefore not appropriate at the present time.

Because the application remains abandoned, applicants' supplemental submission with respect to the petition under 37 CFR 1.47(a) has not been considered herein.

CONCLUSION

Applicants' petition under 37 CFR 1.181 is **DISMISSED** without prejudice. The application remains abandoned.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181" and must include the required docket records, as discussed above and n the MPEP.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

A handwritten signature in black ink, appearing to read 'RMR', is positioned above the typed name of the signatory.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0419

Tuesday, October 31, 2006

Due Date List By Date

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31-Oct-2006 To 31-Oct-2006

Due Date Indicator	Action Due Action Type	Case Number/SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Atty/Obt
31-Oct-2006	FINAL OA - 2 MO EXT US-FINAL 3 MONTH	000620 / United States of America	Pending FUJITSU LIMITED	09/638,070	15-Aug-2000	WLB A
Due Date		Title: SALES SYSTEM AND SERVICES PROVIDING METHOD Remarks: 2nd O.A./Final ext an				
31-Oct-2006	3 MO EXTENSION US-2 MO. QUAYLE	021167 / United States of America	Pending KIRARI PATENT (JAM)	10/238,866	11-Sep-2002	DRC A
Due Date		Title: SPRAY NOZZLE Remarks: Notice to Non-Responsive Amdt; received on 10/11/06. PTO mail dated 10/10/06 Response; filed on 7/31/06 10/31/06				
31-Oct-2006	3 MO RESPONSE US-3 MO ACTION	021588 / United States of America	Published TAKEUCHI INTERNATIONAL PATENT OFFICE	10/641,300	15-Aug-2003	WLB A
Due Date		Title: SERVO TRACK WRITING DEVICE AND METHOD THEREOF Remarks: 1st O.A. ext an				
31-Oct-2006	Action Status Check RESPONSE DUE	030173 / United States of America	Granted KONISHI & NAKAMURA	10/368,562 6,866,708	20-Feb-2003 15-Mar-2005	JAM A
Due Date		Title: AQUEOUS RELEASE AGENT COMPOSITION FOR MOLDING POLYURETHANE FOAM Remarks: JAM/RK; filed renewed petition on 10/26/05 11/1/06				
31-Oct-2006	3 MO RESPONSE US-3 MO ACTION	040400 / United States of America	Published TATSUML & CO. (MRQ)	10/503,932	13-Aug-2004	MRQ Q
Due Date		Title: MAGNETIC FIELD GENERATOR AND MANUFACTURING METHOD THEREOF Remarks: 1st O.A. Ext 11/30 11/30				
31-Oct-2006	2 MO EXTENSION US-3 MO ACTION	050004 / United States of America	Published HIROTA, NAGARE & ASSOCIATES	11/033,450	12-Jan-2005	JAM A
Due Date		Title: GAS SENSING MATERIAL AND GAS INSPECTING METHOD Remarks: 1st O.A. Filed today will be filed today				

D

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Due Date Indicator	Action Due Action Type	Case Number/SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Atty/Obt
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31-Oct-2006	FILED IDS PAPERS	050257 / ✓	Published	11/11,856	22-Apr-2005	MS
Due Date	IDS	United States of America	SEIWA PATENT & LAW (Formerly			A

Title: ~~MAGNETIC RECORDING AND REPRODUCING APPARATUS~~

Remarks: ~~IDS; received on 10/19/06
IDS Due: 10/27/06 per client~~

MRQ

31-Oct-2006	FILE IDS PAPERS CALL-UP	050740 / //	Published	11/291,778	02-Dec-2005	MS
Due Date	IDS	United States of America	AMAGASA & ASSOCIATES			A M...

Title: ~~REFRIGERATING DEVICE~~

Remarks: ~~IDS: received on 7/19/06~~

WLB

31-Oct-2006	UTILITY APPLICATION CALL-UP	050803PROV /--	Pending	60/742,554	06-Dec-2005	MRQ
Due Date	PROVISIONAL APPLICATION	United States of America	KATZAROV SA (MRO)			Q

Title: METHOD OF IDENTIFYING AND/OR QUANTIFYING ANTI-INFECTION COMPOUNDS

Remarks: Utility Application Due: 12/6/06

~~DWH; filed Prov., Appln w/ Spec. Drwgs, Prelim Amdt., on 12/6/05
(Small Entity)~~

31-Oct-2006	Rest of IDS received? call-up	060129 / //	Pending	10/568,272	15-Feb-2006	MS
Due Date	Information Disclosure Stmt	United States of America	TAKEMASA PATENT & TRADEMARK OFFICE (FIRM)			15 JAN

Title: LOCK NUT

Remarks: JAM (AOA has file = call-up of 10/13/06)

31-Oct-2006	FILED RECEIPT TO CLIENT SENT	060589 /	Pending	11/499,872	07-Aug-2006	MS
Due Date		United States of America	OCHIAI & CO.	EXT		A

Title: ~~LIFT-VARIABLE VALVE-OPERATING SYSTEM FOR INTERNAL COMBUSTION ENGINE~~

Remarks: ~~WLB~~

31-Oct-2006	FILE IDS PAPERS CALL-UP	060596 / //	Pending	10/588,994	10-Aug-2006	CS
Due Date	IDS	United States of America	UCHIYAMA & CO.			A

Title: AGENT FOR OPTICAL RESOLUTION, PROCESS FOR PRODUCING OPTICALLY ACTIVE AND 1,5-SUBSTITUTED BICYCLO (3.3.0) 2-OXA OCTANE COMPOUND

Remarks: ID8; received on 9/8/06

~~DWH~~

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Atty/Obt

Title: ~~COORDINATION OPERATION METHOD AND MOBILE COMMUNICATION TERMINAL~~

Remarks: PCT Application Due: Asap per client

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31-Oct-2006 To 31-Oct-2006

Due Date Indicator	Action Due Action Type	Case Number/SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Atty/Obt
31-Oct-2006	NEW PCT NATL PHASE -CALL-UP-	060741 / =	Unfiled			MRQ
Due Date	NEW PCT NATL (30 MO)	United States of America	SUNIGAMI PATENT OFFICE (MRQ) Small Entity			Q
	<i>ext 11/8/06</i>		<i>Title: TO ADD</i>			JAZ
			<i>Remarks: PCT Application Due: Asap per client (Small Entity)</i>			
31-Oct-2006	NEW APPLICATION -CALL-UP-	060744 / =	Unfiled			JEA
Due Date	NEW APPLICATION	United States of America	TAKINO & ASSOCIATES			A
			<i>Title: CONNECTOR AND CONNECTOR UNIT</i>			JAZ
			<i>Remarks: Application Due: Asap per client</i>			
31-Oct-2006	FILED RECEIPT SENT TO CLIENT	060762 / =	Pending		10-Oct-2006	JAM
Due Date	NEW PCT NATL (30 MO)	United States of America	HIROTA, NAGARE & ASSOCIATES			A
			<i>Title: RICE PLANT HAVING VACCINE GENE TRANSFERRED THERINTO</i>			LRI
			<i>Remarks: IAM filed Appln w/ Spec & Drawgs on 10/10/06 (Small Entity)</i>	<i>ext 11/2/06</i>		
31-Oct-2006	NOTICE REPORTED TO CLIENT	060787 / =	Pending	11/580,307	13-Oct-2006	MS
Due Date	US MISSING PARTS	United States of America	YAMADA PATENT OFFICE			RAP
			<i>Title: REMOTE CONTROL APPARATUS AND PORTABLE COMMUNICATION TERMINAL</i>			MP
			<i>Remarks: WCB</i>	<i>Ext. 11/3/06</i>		
31-Oct-2006	PCT CONTN APPLN -CALL-UP-	060789 / =	Unfiled			JAM
Due Date	NEW PCT CONTN (30 MO)	United States of America	AYAFUNE INTERNATIONAL PATENTS & TRADEMARKS (JAM)			A
	<i>ext 11/8/06</i>		<i>Title: COORDINATION OPERATION METHOD AND MOBILE COMMUNICATION TERMINAL</i>			JAZ
			<i>Remarks: PCT Continuation Due: Asap per client</i>			
31-Oct-2006	NEW APPLICATION - CALL-UP -	060791 / =	Unfiled			JEA
Due Date	NEW APPLICATION	United States of America	TAKINO & ASSOCIATES			A
			<i>Title: CRIMPING TERMINAL AND FLAT CIRCUITRY HAVING SAME</i>			JAZ
			<i>Remarks: Application Due: Asap per client</i>			

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31-Oct-2006 To 31-Oct-2006

Due Date Indicator	Action Due Action Type	Case Number/SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Atty/Obt
31-Oct-2006	PCT CONTN APPLN -CALL-UP- NEW PCT CONTN (30 MO)	060828 / // United States of America	Unfiled HOKUTO PATENT ATTORNEYS OFFICE			JAM A JAZ
<p><i>ext 11/8/06</i></p> <p><i>Title: COGNITIVE FUNCTION TRAINING UNIT</i></p> <p><i>Remarks: PCT Application Due: Asap per client</i></p>						
31-Oct-2006	NEW PCT NATL PHASE -CALL-UP- NEW PCT NATL (30 MO)	060829 / // United States of America	Unfiled AYAFUNE INTERNATIONAL PATENTS & TRADEMARKS (JAM)			JAM A JAZ
<p><i>Title: MEASUREMENT DATA COLLECTION METHOD AND PORTABLE INFORMATION DEVICE</i></p> <p><i>Remarks: PCT Appln Due: Asap per client</i></p>						
31-Oct-2006	FINAL DEADLINE NEW APPLICATION	060830 / // United States of America	Unfiled TOKYO CENTRAL PATENT FIRM			JEA A JAZ
<p><i>(ES) 8.10/31/06 JAS</i></p> <p><i>Title: NON-MAGNETIC TONER FOR DEVELOPING ELECTROSTATIC IMAGE</i></p> <p><i>Remarks: Application Due: 10/31/06</i></p>						
31-Oct-2006	FINAL DEADLINE NEW APPLICATION	060831 / // United States of America	Unfiled TOKYO CENTRAL PATENT FIRM			JEA A JAZ
<p><i>(ES) 6.10/31/06 JAS</i></p> <p><i>Title: TONER FOR DEVELOPING ELECTROSTATIC IMAGE</i></p> <p><i>Remarks: Application Due: 10/31/06</i></p>						
31-Oct-2006	PCT CONTN APPLN -CALL-UP- NEW PCT CONTN (30 MO)	060837 / // United States of America	Unfiled SUZUYE & SUZUYE			JEA A JAZ
<p><i>Title: IMAGE SENSOR</i></p> <p><i>Remarks: PCT Continuation Due: 11/2/06 per client</i></p>						

1 day

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31-Oct-2006 To 31-Oct-2006

Due Date Indicator	Action Due Action Type	Case Number/SubCase Country	Status Client	App Number Reg Number	App Date Reg Date	Attys
31-Oct-2006	2-Days Until Priority Due US-Priority Office Action	031262 / // United States of America	Published YANAGINO PATENT ATTORNEY OFFICE	76/556,686	03-Nov-2003	DWH H
Trademark: NIPRON						
31-Oct-2006	STMT USE 9-Days C/UP STATEMENT OF USE	050235 / // United States of America	Published IIPA-INT'L INTELLECTUAL	78/621,638	03-May-2005	JAM. A
Trademark: ARTISAN						
Remarks: Reminder sent 10/10/06 per RK Reminder sent on 8/10/06 per RK 1st Request for SOU Due: 11/9/06						
31-Oct-2006	4 Months Until Response Due US-6 Month Office Action	050455 / // United States of America	Pending T. KIMURA PATENT OFFICE	78/676,340	22-Jul-2005	DWH Q
Trademark: Edo Kiriko						
Remarks: Respond Due: 2/28/07						
31-Oct-2006	STMT USE 1 MO C/UP STATEMENT OF USE	990444A / // United States of America	Published HAHN, VICTOR C.	76/549,670	03-Oct-2003	DWH H
Trademark: LOPC						
Remarks: SOU = 3rd Extension Due: 11/30/05						

11-2-06
waiver to (R)
(R)

Ext. 1 mo

1 day